

110TH CONGRESS
1ST SESSION

S. 2037

To amend the Consumer Product Safety Act to make it unlawful to sell
a recalled product, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2007

Ms. KLOBUCHAR introduced the following bill; which was read twice and
referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Consumer Product Safety Act to make it
unlawful to sell a recalled product, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON SALE OF RECALLED PROD-**
4 **UCTS.**

5 Section 19(a) of the Consumer Product Safety Act
6 (15 U.S.C. 2068(a)) is amended—

7 (1) by redesignating paragraphs (3) through
8 (11) as paragraphs (4) through (12), respectively;
9 and

1 (2) by inserting after paragraph (2) the fol-
 2 lowing:

3 “(3) to sell a product that is—

4 “(A) not in conformity with an applicable
 5 consumer product safety standard under this
 6 Act;

7 “(B) subject to voluntary corrective action
 8 taken by the manufacturer, in consultation with
 9 the Commission, and determined by the Com-
 10 mission to be unsafe; or

11 “(C) subject to an order issued under sec-
 12 tion 12 or 15 of this Act, or designated a
 13 banned hazardous substance under the Federal
 14 Hazardous Substances Act (15 U.S.C. 1261 et
 15 seq.);”.

16 **SEC. 2. ENHANCED IDENTIFICATION MARKING OF CON-**
 17 **SUMER PRODUCTS.**

18 Section 14(a) of the Consumer Product Safety Act
 19 (15 U.S.C. 2063(a)) is amended by adding at the end
 20 thereof the following:

21 “(3) The manufacturer of a consumer product, with-
 22 out regard to whether it is subject to a consumer product
 23 safety standard, shall place distinguishing marks on the
 24 product to the greatest extent feasible, and on its pack-
 25 aging, that will enable the ultimate purchaser to determine

- 1 the source, date, and cohort (including the batch, run
- 2 number, or other identifying characteristic) of production
- 3 of the product by reference to those marks.”.

